

THE LEDGER LAW FIRM, PC

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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF WASHINGTON**

WESLEY CHANDLER, MELISSA
CHANDLER, individually and the
marital community composed thereof;
and JOHN SHORT, MARY SHORT
individually and the marital
community composed thereof,

Plaintiffs,

v.

RAI EXPRESS LINES, LTD., a
Canadian corporation; BUTA UPPAL
and JANE DOE UPPAL, husband and
wife, and the marital community
comprised thereof; JOHN DOE
CORPORATIONS, 1 through 10;
JOHN DOE individuals, 1 through 10,

Defendants.

CASE NO.

PLAINTIFFS' COMPLAINT
FOR DAMAGES

DEMAND FOR JURY TRIAL

COME NOW Plaintiffs Wesley Chandler, Melissa Chandler,
individually and the marital community composed thereof, and John Short,

PLAINTIFFS' COMPLAINT
FOR DAMAGES- 1

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1 Mary Short individually and the martial community composed thereof, by
2 and through their attorney, Allen L. Schwenker, III, of The Ledger Law
3 Firm, PC, and complains and alleges against the above-named defendants as
4 follows:
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7 **I. PARTIES**

8 1.1 Plaintiffs, Wesley Chandler and Melissa Chandler, are a
9 married couple and residents of Haralson County, Georgia, and have
10 resided Haralson County, Georgia, at all times relevant and material to this
11 Complaint.
12

13 1.2 Plaintiffs, John Short and Mary Short, are a married couple and
14 residents of Polk County, Georgia, and resided in Polk County, Georgia, at
15 all times relevant and material to this Complaint.
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17 1.3 Defendant, RAI EXPRESS LINES, LTD., upon information
18 and belief, is a Canadian corporation engaged in transportation services.
19

20 1.4 At all times relevant and material to this Complaint defendant
21 RAI EXPRESS LINES, LTD. transacted business in Canada and the United
22 States.
23

24 1.5 At all times material hereto, RAI EXPRESS LINES, LTD. was
25 the registered owner of the semi-truck involved in this collision.
26

1 1.6 Upon information and belief, defendant RAI EXRPESS LINES,
2 LTD. was registered in Langley, British Columbia.
3

4 1.7 Upon information and belief, at all material times herein, the
5 principal place of business of defendant RAI EXRPESS LINES, LTD. was
6 Surrey, British Columbia.
7

8 1.8 At all material times herein, upon information and belief,
9 defendants Buta Uppal and Jane Doe Uppal, husband and wife, and the
10 marital community comprised thereof, were residents of Canada and
11 resided in Delta, British Columbia.
12

13 1.9 Defendant, Buta Uppal was transporting goods in the State of
14 Washington at the time of this incident.
15

16 1.10 There may be additional persons or legal entities having
17 responsibility for the negligence, injuries and damages as hereinafter
18 alleged, whose identity(s) is/are not presently known to these plaintiffs and
19 who are referred to herein as John Doe individuals and/or John Doe
20 Corporations 1-10. Plaintiffs respectfully request that these pleadings be
21 amended to reflect the true identity of these defendants when their
22 identification becomes known.
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1 1.11 Defendants Does 1 to 10, inclusive, are sued herein under
2 fictitious names because their true names and capacities whether individual,
3 associate, corporate, governmental or otherwise are unknown to plaintiffs.
4 Plaintiffs will ask leave of this Court to amend this Complaint to assert the true
5 names and capacities of said defendants when same are ascertained. Plaintiffs
6 are informed and believe and herein allege that each of the defendants
7 designated herein as Doe are negligently, carelessly, recklessly, strictly or
8 otherwise responsible in some manner for the events and happenings herein
9 referred to and caused damages directly and proximately thereby to plaintiffs.
10

11 1.12 At all times herein mentioned, each of the defendants sued herein
12 were the agent, alter ego, servant and/or employee of each other each said co-
13 defendant was, as such, acting within the time, place, purpose and scope of the
14 said agency, service and employment; each of the defendants, as aforesaid,
15 when acting as a principle, was negligent in the selection, screening, training,
16 supervision, and hiring of each and every other defendant(s) as an agent,
17 servant and employee, and furthermore expressly directed, consented to,
18 approved, affirmed and ratified each and every action taken by the co-
19 defendants.
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22 PLAINTIFFS' COMPLAINT
23 FOR DAMAGES- 4

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II. JURISDICTION AND VENUE

2.1 Plaintiffs incorporate herein by reference, as though fully set forth at length, each and every allegation and statement contained in preceding paragraphs. This Court has diversity jurisdiction over this action under 28 U.S.C. § 1332(a)(2).

2.2 All plaintiff and defendant are citizens of different states, and the amount in controversy exceeds \$75,000.00.

2.3 Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because the events or omissions giving rise to the claim occurred within this judicial district.

III. FACTS

3.1 Plaintiffs incorporate herein by reference, as though fully set forth at length, each and every allegation and statement contained in preceding paragraphs. Date: plaintiffs Wesley Chandler and John Short's injuries arise out of a semi-truck collision that occurred on or about February 6, 2017.

3.2 Location: The collision occurred in Kittitas, Washington, on the I-90 Eastbound Interstate.

1 3.3 Details: Plaintiff John Short was driving his semi-truck
2 Eastbound on I-90 in lane one of two.
3

4 3.4 On or about February 6, 2017, a semi-truck registered to
5 defendant RAI EXPRESS LINES, LTD. collided with the rear of the semi-
6 truck with plaintiffs Wesley Chandler and John Short inside.
7

8 3.5 On or about February 6, 2017, defendant, Buta Uppal, was
9 driving the semi-truck that registered to defendant RAI EXPRESS LINES,
10 LTD. which collided with the rear of the semi-truck with plaintiffs Wesley
11 Chandler and John Short inside.
12

13 3.6 The impact was significant causing extensive damage to the front
14 of the RAI EXPRESS LINES, LTD. insured truck.
15

16 3.7 Plaintiffs Wesley Chandler and John Short have suffered injuries
17 due to this accident.
18

19 **IV. NEGLIGENCE**

20 4.1 Plaintiffs incorporate herein by reference, as though fully set
21 forth at length, each and every allegation and statement contained in
22 preceding paragraphs. Duty: Defendant Buta Uppal as a driver for defendant
23 RAI LINES EXPRESS, LTD., through common law, statute, regulation
24 and/or ordinance owed plaintiffs duties to drive attentively, to maintain a
25
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1 safe speed and appropriate distance to avoid striking plaintiffs' vehicle and
2 causing injuries to Wesley Chandler and John Short, and to otherwise
3 exercise ordinary and reasonable care while operating a vehicle within the
4 State of Washington. These duties include, but are not limited to, a duty to
5 obey all relevant rules of the road pursuant to RCW 46.61 et seq.
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8 4.2 Breach: Defendant Buta Uppal as a driver for defendant RAI
9 LINES EXPRESS, LTD. breached his duties as set forth in paragraphs 3.1
10 through 4.1.
11

12 4.3 Proximate Cause and Bodily Injury: As a direct and proximate
13 cause of defendant Buta Uppal as a driver for defendant RAI LINES
14 EXPRESS, LTD. breach of his duties as set forth in paragraphs 4.1 and 4.2,
15 plaintiffs Wesley Chandler and John Short have suffered personal injuries.
16

17 **V. INFERENCE OF NEGLIGENCE**

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19 5.1 Plaintiffs incorporate herein by reference, as though fully set
20 forth at length, each and every allegation and statement contained in
21 preceding paragraphs. The manner of the injury to the plaintiffs, and
22 attending circumstances are of such character as would warrant an inference
23 that the Wesley Chandler and John Short's semi-truck would not have been
24 rear-ended if ordinary care had been exercised by defendants.
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1 5.2 At all material times herein, the operation of the semi-truck that
2
3 registered to defendant RAI EXPRESS LINES, LTD. was solely within the
4 control of defendant Buta Uppal.

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6 **VI. DAMAGES**

7 6.1 As a direct and proximate result of the acts of negligence
8 described above, plaintiffs Wesley Chandler and John Short have suffered
9 general and special damages as a result of this collision, all in amounts to be
10 proven at trial. Their damages include, but are not limited to, pain and
11 suffering, anguish, fear, terror, loss of income, loss of earning capacity, medical
12 expenses, out-of-pocket expenses, travel expenses, loss of consortium, loss of
13 love, loss of enjoyment of life, loss of parent-child relationships, loss of spousal
14 relationships, property damages.
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17 6.2 As a further direct and proximate result of the acts of negligence
18 described above, plaintiffs Melissa Chandler and Mary Short have sustained
19 damages as a result of this collision. Their damages include, but are not limited
20 to, anguish, loss of consortium, loss of spousal relationships, loss of love,
21 affection, care, companionship, guidance, support, services, all in amounts to
22 be proven at trial.
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VII. JURY DEMAND

7.1 Plaintiffs request this case be tried by a jury.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against defendants, jointly and severally, as follows: respectfully request the following relief:

8.1 For plaintiffs' general and other damages, all in amounts to be proven at the time of trial;

8.2 For plaintiffs' special damages and other damages, all in amounts to be proven at the time of trial;

8.3 Plaintiffs' costs and disbursements incurred herein;

8.4 For prejudgment interest;

8.5 For reasonable attorneys' fees; and,

8.6 For such other and further relief as the Court may deem just and equitable.

THE LEDGER LAW FIRM, PC

/s/ Allen L. Schwenker, III
Allen L. Schwenker, III, WSBA # 51578
Attorney for Plaintiffs